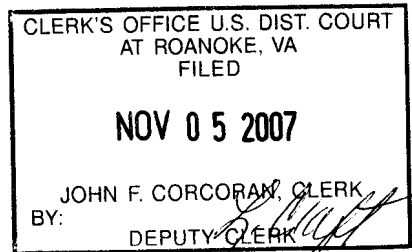


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



THOMAS LEE GRATE, III,
Plaintiff,

v.

LARRY HUFFMAN, et al.,
Defendants.

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Civil Action No. 7:07-cv-00449

FINAL ORDER

By: Hon. Glen E. Conrad
United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that the instant complaint is **DISMISSED**, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim upon which relief may be granted. Any pending motions are hereby **DENIED as MOOT**, and this case is **STRICKEN** from the active docket of the court.*

The Clerk is directed to send copies of this Order and accompanying Memorandum Opinion to plaintiff and to all counsel of record for the defendants.

ENTER: This 5th day of November, 2007.



United States District Judge

* Plaintiff is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within thirty days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).